

NORTH DAKOTA INDUSTRIAL COMMISSION (NDIC)
CLASS II UNDERGROUND INJECTION CONTROL PROGRAM
FY 2014 STATE MID-YEAR OVERSIGHT SUMMARY

Performed Via Phone on March 31, 2014

Participants:

Mark Bohrer, NDIC
Kevin Connors, NDIC
Douglas Minter, EPA Acting UIC Unit Chief
Gail Franklin, EPA TMS
Craig Boomgaard, EPA UIC, ND1425 Project officer

Discussion Topics:

- EPA brought up concerns about the timeliness of the NDIC's state grant applications and their drawdown of funds. EPA stated that applications for grant monies are consistently late and so were the invoicing of grant funds. EPA requested that funds be drawn on a more regular basis not in lump sums, especially after the federal fiscal year had ended. NDIC indicated they would improve on these items in the future.
- EPA thanked NDIC for their letter in response to EPA's new guidance on hydraulic fracturing using diesel fuel and the State's intent and methods to regulate it.
- EPA was curious if any attempts to inject filter socks had occurred. NDIC had not heard of any. This topic was brought up by a letter from NDIC and North Dakota Department of Health stating they felt that TENORM generated in the exploration and production, as exempted under RCRA, would be managed as a Class II waste.
- EPA asked if there was any further information on the pending application of C12 energy for a Class VI geo-sequestration well. NDIC indicated they had not heard from the company, but it had procured pore space rights and rights from landowners already for the project. The company is expected to apply for a Class VI well once the state receives primacy.
- NDIC asked about the timeline for getting Class VI primacy and the remaining steps. EPA indicated a memo needed to be sent from the Region to Headquarters to initiate the Federal Register noticing of the draft approval. EPA indicated that the memo was routing for signature.
- EPA inquired about the level of activity both in production and Class II disposal in the State. NDIC said it was still very high and the number of Class II application would probably remain relatively high compared to past number for the foreseeable future.
- NDIC said other than being very busy they had no issues or requests for EPA.
- NDIC did not report any compliance or violation issues in the first half of the year.